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MAJOR PROBLEMS AND EMERGING TRENDS WITH RESPECT TO GOVERNANCE IN AFRICA

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MAJOR PROBLEMS AND EMERGING TRENDS WITH RESPECT TO GOVERNANCE IN AFRICA

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Dakar, April 1998

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MAJOR PROBLEMS AND EMERGING TRENDS WITH RESPECT TO GOVERNANCE IN AFRICA

SUMMARY

It is generally acknowledged that good governance would benefit the African countries. The problem is how to put governance programmes into practice in these countries.

Because development partners have diverging views on the substance and even the objectives of good governance, it is necessary, in order to ensure the effectiveness of their actions and especially of the activities of the United Nations, to identify major problems and emerging trends in this area.

Such an identification process should be based on the recent development activities of the United Nations and of bilateral agencies. An analysis of these activities reveals an impressive, though not exhaustive, list of elements which are considered to be indicators of good governance.

The following conclusions can be drawn from this body of information.

A. Major problems

Three sets of major problems can be identified:

1. Problems in building a democratic State governed by the rule of law. Steps must be taken to ensure that the African State is built and operated according to the basic principles of good governance: separation of powers, independence of the judiciary, freedom of the media, free elections, the multi-party system and the opposition, and so forth. It is also necessary to ensure that these countries have constitutions which guarantee good governance, reflect reality without compromising universal human rights, are well written and have no demagogic provisions which have only the effect of a declaration.

2. Problems concerning the emergence of a democratic society in Africa. The basic principles of good governance which relate to these problems are: (a) popular participation, including decentralization, the restructuring of legislatures to make them more representative, the strengthening of civil society and of non-governmental organizations and all measures which lend legitimacy to political power and authority to the Government; (b) effectiveness, which requires efforts to enhance transparency and to combat corruption, as well as accountability; (c) national integration, or a set of measures to create solidarity among different social groups and to unify the legal system so as to give effect to the decisions of the governing authorities.

3. Problems concerning public policy formulation and management. In many cases, bad governance is a result of poorly formulated and poorly managed public policies.

B. Emerging trends

Two major trends can be identified in Africa's problems with respect to governance.

1. Issues concerning the future of the African State. It is generally agreed that the African State must be strengthened, since liberalization should not be tantamount to the creation of a "minimum State" or weak State. What has not yet been established is how to do so without jeopardi ing the freedom of the market and without reverting to an interventionist or authoritarian State. Moreover, new forms of the African State are appearing on tne horizon, such as the regional State and the multinational or ethnic State.

2. Problems concerning the future of pluralist majoritarian democracy. The whole theory and strategy of the United Nations and of most bilateral agencies with respect to governance rests on the premise that Africa will accept pluralist majoritarian democracy as its political system. However, this hypothesis will be borne out less and less in the future, for at least two reasons.

First, majoritarianism is not accepted in Africa. Dividing people arithmetically into a majority and a minority and saying that the minority must yield to the majority is not part of African culture. This is why, in those countries where this system has been instituted, the majoritarian principle has been distorted: the significant opposition enters the Government and the legislature is left without opposition. In-depth reforms must be implemented if the majoritarian principle is to be accepted in Africa.

Second, increasingly authoritative views have been expressed to the effect that there is a plurality of democratic models in Africa, all of which are as acceptable as they are legitimate. Pluralist majoritarian democracy will therefore compete with culturalist models such as democracy without political parties, or consensual democracy. Nor can we rule out the possibility of a re-emergence of one-party systems under the guise of majority parties; in other words, systems in which one party is always the majority party, surrounded by a satellite system of small parties which have no real political influence.

These phenomena will make it necessary to review all the hypotheses which currently underpin theories of good governance.

INTRODUCTION

For nearly two decades, good governance has been emphasized as a determining factor of development in the broad sense, encompassing not only economic growth but also social progress. However, the concept of good governance did not become truly operative and was not effectively introduced in French-speaking African countries until recently, following the initial evaluations of structural adjustment programmes. Since then, it has become a dominant and even a strategic concept in the management of public affairs.

At the theoretical level, it is widely recognized that good governance has had beneficial effects on the African countries.

Accordingly, it is no longer disputed that good governance is a factor in the maintenance of peace, social stability and security, and that it can strengthen the legitimacy and authority of African Governments by eliminating, or at least attenuating, the conflicts which are undermining many of them. Moreover, although the point is still in dispute, it is being increasingly affirmed that good governance is linked to development because it will presumably enable the African countries to develop faster and in a more sustainable manner.

It is at the practical level that a major difficulty arises: how to implement programmes of good governance in Africa.

This practical question is a point of sometimes profound disagreement among the African Governments, multilateral development agencies and the United Nations itself. This shows that not everyone attributes the same meaning or the same features to the concept of good governance. This divergence of views explains the divergence of objectives and even of outcomes, which differ according to the meaning attached to this concept or the manner in which it is understood. More importantly, it leads to a situation in which development funds are wasted, insofar as the various sectoral programmes on good governance are not bound together by a comprehensive vision.

The solution to this practical problem lies in determining key elements and identifying emerging trends in good governance. The search for these key elements should be based not on theory, but rather on the recent activities of the United Nations system, the Organization of African Unity (OAU) and bilateral development agencies (World Bank, International Monetary Fund (IMF), United States Agency for International Development (USAID), French cooperation, various foundations, etc.), as well as the African States themselves.

This process will serve several purposes:

- To compile and synthesize elements which are considered by both the United Nations and other development partners to be indicators of good governance;

- To identify which key elements among them are likely to enjoy, if not the consensus of development partners, then at least the widest possible agreement. This will make it possible, in the implementation of governance

programmes, to harmonize viewpoints, to coordinate the overall vision of development, to establish a coherent strategy and to obtain more satisfactory results;

- To pinpoint the areas of disagreement among development partners, to analyse the motives, nature and scope of these disagreements and to draw conclusions as to their consequences for the implementation of governance programmes;

- Lastly, to analyse these key elements and the new trends which emerge from them, and to make recommendations to the United Nations for putting them into practice.

Accordingly, this report will consist of three parts:

I. Overview of recent activities and initiatives in the area of governance in Africa;

II. Identification of key problems and emerging trends with respect to good governance in Africa;

III. Recommendations.

I. OVERVIEW OF ACTIVITIES AND INITIATIVES IN THE AREA OF GOVERNANCE

During the past few years, the United Nations, like other development partners, has devoted numerous activities to good governance. The following list, while not exhaustive, highlights some of these activities.

1. Global initiatives

- In June 1995, the Cairo Agenda for Action, adopted by the Organization of African Unity (OAU), recognized that good governance, like democracy, peace, security and stability, is an essential factor in economic and social development.

- In March 1996, the United Nations launched the System-wide Special Initiative on Africa in order to provide support for the United Nations New Agenda for the Development of Africa (UN-NADAF). Within that framework, the United Nations Development Programme (UNDP) created a subsidiary programme, the Special Initiative on Governance in Africa (SIGA). This programme is intended to promote good governance by developing sound institutions, increasing the role of civil society and encouraging transparency, responsibility and effective results.

- In April 1996, at its resumed fiftieth session, the General Assembly adopted resolution 50/225 concerning public administration and development.

In it the General Assembly affirmed, inter alia, that "transparent ... governance and administration in all sectors of society are indispensable foundations for ... development".

General Assembly resolution 50/225 breathes new life into the management of public affairs in Africa. Most initiatives currently under way in the area of governance draw their mandates from it.

- In May 1997, the Group of Experts on the United Nations Programme in Public Administration and Finance gave in-depth consideration at its thirteenth session, to inter alia, the question of good governance from the point of view of General Assembly resolution 50/225 and, above all, made recommendations for action at the national and international levels on the basis of the theme, "redesigning the State for socio-economic development and change".

2. Regional initiatives

At the regional level, there have been a number of activities devoted to good governance, four of which are particularly noteworthy.

- In February 1991, the World Bank organized a seminar on governmental management and economic development in Senegal. The seminar brought together several experts and political decision-makers in order to analyse the interaction between development activities and conditions for governmental management. The seminar focused on criteria for analysing good governance.

- In November 1991, the International Institute of Administrative Sciences (IIAS) and other development partners organized a regional seminar in Dakar (Senegal) on the theme of institutional capacity for change and support of public policy. The seminar brought together representatives of the Governments of a number of African countries, political decision-makers and experts in order to consider the importance of an appropriate institutional framework for public affairs management.

- In November 1996, a regional seminar on good governance and development was organized in Dakar by the African Institute for Democracy in cooperation with UNDP, USAID, the Agency for the French-Speaking Community (ACCT) and other multilateral development assistance agencies. The very concept of good governance and its content and purposes were reconsidered at this important meeting.

- In May 1997, the Second Conference of Ministers of Public Administration of States members of the Observatoire des Fonctions Publiques Africaines (OFPA) was held at Cotonou (Benin) in cooperation with the Mission Française de Coopération et d'Action Culturelle. It brought together not only observers and experts, but also government representatives in the area of public administration from nearly 20 French-speaking African States. While the central theme of this conference, a new African public administration for improved service to users, naturally focused on problems in public administration, a major portion of the conference was devoted to good governance and, above all, provided the representative of France with an opportunity to explain the French concept of good governance.

- In July 1997, an African Governance Forum was held in Addis Ababa under the auspices of UNDP and the United Nations Economic Commission for Africa (ECA). The Forum brought together representatives of a number of African Governments in order to describe and discuss their national governance programmes. This Forum was followed by an international conference on African development organized by UNDP in order to discuss international practices and experience in the area of development.

- In March 1998, the United Nations organized a conference in Addis Ababa on the theme, "Governance in Africa: Strengthening the Institutional Framework".

The goals of the conference were to encourage discussion of the best means of strengthening State institutions as an essential condition for good governance, to identify obstacles to the consolidation of good governance and strategies for overcoming them, to establish a strategic plan of action for consolidation of the institutional framework with a view to achieving good governance in African countries and to publicize the lessons drawn from experience in various countries.

These activities have produced significant results which, owing to space limitations, cannot be described here. For example, the concept and meaning of good governance were clearly identified. In this regard, the United Nations concept emerged as the standard against which others were measured. In addition, the links between good governance and development were reaffirmed,

with the understanding that the latter meant sustainable human development as defined by the United Nations. Lastly, basic principles for building an institutional framework for good governance were established.

II. IDENTIFICATION OF KEY CATEGORIES AND EMERGING TRENDS WITH RESPECT TO GOVERNANCE IN AFRICA

The activities summarized above, together with the practices of African States, give rise to a long and, moreover, non-exhaustive list of factors which are in some way linked or related to good governance. The next step, keeping them in mind, is to identify and analyse what may be considered key categories of governance.

Then, based on the conclusions of this analysis, the next step will be to provide a proactive, future-oriented description of emerging trends - in other words, problems which are likely to arise in the future with respect to governance.

A. Key categories of governance

1. Preliminary considerations

The conclusions and recommendations resulting from the most important recent activities in the area of governance, together with States' practice, make it possible to identify three key categories into which all the elements and indicators that have been identified fall: the democratic State or State under the rule of law; democratic society; and the problem of public policy formulation and management. Essentially, this means that good governance is ensured where there is a democratic State under the rule of law, where such a State is based on a democratic society and where there is good coordination between the State and society, which presupposes good public policy formulation and management.

Each item on the long list of indicators of good governance falls into one of these three categories. Conversely, bad governance means that a democratic State under the rule of law is poorly constructed or does not function appropriately, that a democratic society contains dysfunctional elements or that Government policies are ill-formulated or badly managed.

The three categories are presented here logically, in the order of their creation. The democratic State under the rule of law means the institutional framework, process and mechanisms of governance. Democratic society, on the contrary, involves the very content of democracy and the values, forms of culture and lifestyles which good governance must take into account.

In study, as in action, logical priority must be given to the institutional approach and the construction of a democratic State. Montesquieu's reference to "channels of power" is suggestive in this regard: taking its content as a value, a form of culture or civilization, democracy may be compared to a precious liquid which threatens to spill in all directions, to seep into the

ground or to mix with impurities unless there are appropriate vessels, channels or utensils to hold and retain it. Similarly, an appropriate institutional framework, comparable in this regard to a safe designed to hold valuables, is the indispensable precondition for the establishment and development of any democratic society.

This explains, in large part, why calls for democracy or good governance invariably begin with institutional demands: it is the State, its form, structures and operating mechanisms, which are the first to be called into question when people complain about bad governance or a lack of certain values which are considered to be democratic; conversely, the restoration or renewal of certain values is undertaken only as part of an institutional process which is, or is perceived or considered to be, appropriate. It is precisely when citizens believe that the State - this channel, as it were - is no longer an appropriate vehicle for democratic values, that legitimacy crises arise; at that point, the channel must be rebuilt or replaced.

The following conclusion, contained in working paper No. 2 of the United Nations conference held in Addis Ababa in March 1998, is particularly appropriate:

> "This paper has placed greater emphasis on the role of the State, and on the role of the center within a state, than might be typical of much of the literature in the field. To some extent that is simply a reaction to an excessive ... emphasis on society and the governability of regimes. It also represents the awareness that building effective political institutions may be achievable more quickly than building quiescent societies and wealthy economies. These factors do work together, but building government institutions does appear to be the best place to start the process of governance."

To summarise, then, the key categories and problems of governance are, in logical and chronological order: establishment of an institutional framework, in other words, construction of a democratic State under the rule of law; promotion of a democratic society; and, lastly, good formulation and management of public policy.

These ideas deserve some brief explanation.

2. The Democratic State governed by the rule of law

Three elements must be present in order to build a democratic State based on the rule of law in Africa.

(a) Basic principles that are consonant or at least compatible with universal human rights standards. While, as we have seen, the list is not a closed one, a number of these principles have become paradigms: multipartyism and political opposition, freedom of the press, an independent judiciary, free, fair and transparent elections, and the alternation of power, among others.

(b) An organizing principle: the separation of powers

Separation of powers is the fundamental principle which guides or should guide the distribution of power in a democratic State. This principle is comparable to the design of a building and fulfils two functions which, though on the surface contradictory, are in fact complementary.

On the one hand is the principle of integration, in keeping with which space in a democratic State is organized in such a way as to enable goods or values which have the same characteristics or serve the same purpose to be stored together. This is why we should really speak of separation of functions. It is the same principle that permits us within a building to distinguish between the bedrooms and other rooms that are intended for different uses. Such a design is not neutral. It determines a priori where goods and valuables will be placed. We know, for example, where household appliances and bedding will be stored. Likewise, the design of the building already determines the way in which life will be organized in it. It assumes in fact an implicit acceptance that each room will fulfil the function for which it was designed: that, for example, there will be no cooking in the bathrooms and that cattle will not be brought into the bedroom, as might be done in a traditional house.

On the other hand, the same principle is presented as a principle of exclusion insofar as it leads to the exclusion from the democratic space of the goods and values that do not belong there. For example, in the design of the building referred to above, which corresponds to a Western-style apartment or house, no area has been set aside for firewood just as there is no possibility of bringing cattle inside. The principle of the separation of powers therefore operates like the housewife and her sifter: it rejects those values that are incompatible with the democratic edifice.

The separation of powers is an indicator of good governance when it is expressed in three important ways.

- Separation of the legislative, executive and judicial branches. The legislative branch should not be a creature of but a counterweight to the executive branch. This assumes not only the existence of a multiparty political system but also a balance between the various political parties. Indeed, any imbalance between the parties could result in one of them becoming dominant and thereby controlling the executive and legislative branches, which would no longer be able to play the role of counterweight to the government.

The judicial branch must have guarantees of independence from the executive and the legislative branches without, however, becoming a State within a State. No pressure must be brought against judges in the exercise of their functions.

- Separation of State and religious institutions and forces. In a democratic State, decisions must be taken by the State alone, without interference from religious institutions and forces. It is in this sense that it can be argued that a democratic State, especially one in Africa, must be secular.

Secularism must not be viewed as in nineteenth century Europe in terms of conflict between the State and religious institutions. On the contrary, the challenge is to promote coexistence between the State and all beliefs. A secular State is one which does not discriminate between believers and non-believers and establishes no hierarchy of religions. It permits the coexistence of different social groups in heterogeneous, multiracial, multi-ethnic and multi-denominational societies.

- Separation of State and political parties. Generally speaking, a democratic State is not neutral because its mission is to impose and to emphasize the democratic ideology of which democratic parties are the vehicles, that is to say, parties that accept the principles of democratic pluralism and the type of society that it engenders. A democratic State, however, tolerates other doctrines, provided that these are manifested in ways that do not call into question the existence of the State itself. It is the only type of regime that accepts (here again, provided that its own existence is not threatened) the development within it of doctrines that declare themselves to be overtly opposed to its ideals and, where necessary, combat them.

With this reservation and subject to these limitations, it may therefore be said that, even though a democratic State may not be neutral, it is or should be an arbiter between parties. It must hold the balance between the democratic and non-democratic parties that operate within the State. This means that the State apparatus should not be dominated by any of its parties and that public resources and public property should not be placed in the service of the party in power, which, in most cases, is the majority party. The separation between the State and political parties is a functional separation. It means that government leaders must distinguish between their responsibilities as statesmen and those of members of the political parties to which they belong.

One of the particularities of a democratic State is the universalism of its principles. This means that the functions that are assigned to such States remain identical in every continent and irrespective of the population to which they are applied. It is rather like a religion whose rules have been determined by the competent authorities in writing if necessary and are valid for all races and continents for those persons who accept them.

The universalism of democratic principles should not be confused with uniformity; universal does not mean uniform. This is why each people, each race can build its democratic house with its own cultural patrimony and its own values of civilization. The universal and standardized structures of the edifice, as well as the functions assigned to each room act as a sifter and eliminate those cultural values that are contrary to the specific characteristics of democracy. The universalism of democracy is therefore fully compatible with the diversity of cultures.

(c) A democratic constitution

Good governance requires a State ruled by law to be based on a democratic constitution that is free of any kind of demagogic or inapplicable provisions, such as: foolhardy proclamations to embellish the façade of the State, provisions which are inserted to prove that a particular country is more

democratic than the industrialized countries and which institute onerous and complex mechanisms, neutralize authority under the guise of monitoring it, create a government but deprive it of the means to govern, all of which provisions are inspired by political propaganda, the utopian (in the pejorative sense of the term) nature of which is not in doubt.

Instead, African constitutions should be simple and clear and should organize the process of decision-making by the majority in a logical and coherent manner.

Where a constitution meets these requirements, it must be rigorously respected. Governments must not amend constitutions in order to adapt them to their political ambitions. On the contrary, it is the governments which must adapt to the constitution, somewhat like a tenant adapts to an apartment which he occupies without having the right to modify it.

3. Democratic society

A democratic society is an essential requirement for good governance. The objectives of good governance cannot be attained in a society that is riven by conflict, rivalry or racial or ethnic exclusion, tribalism, excluding the majority from participation in the management of public affairs, irresponsibility, chaos, corruption and waste.

In Africa, three types of measures can be taken to facilitate the emergence of a democratic society.

(a) Participation and legitimacy

Quite often, poor governance is the result when governments are not legitimate in the sense that they did not gain power with the consent of the largest number. This is most often the case for two reasons:

- Either the constitution and statutes of governing institutions are poorly drafted and do not permit the largest number of citizens to participate in public affairs, which is the legal aspect of the problem;

- or the constitution and statutes of governing institutions do provide mechanisms for popular participation, but governments ignore these provisions in order to remain in power, which is the political and civic aspect of the problem. This situation occurs when the citizenry is so weak or has been kept for so long in servitude and fear that it cannot or dares not claim the rights to which it is entitled under the constitution. Civil society, non-governmental organizations, pressure groups and other intermediate forces whose vocation is to serve as a counterweight to the central authority are weak or non-existent.

But this is an extreme-case scenario because, when the legal dimension has been effectively addressed and constitutions and other government institutions well conceived, counterweights to power develop in the society and limit the arbitrary actions of governments. The role of civic education in the emergence of such counterweights to government power is decisive, but civic education will

not achieve its objectives if the legal framework within which it is imparted is inappropriate. For example, it is not much use explaining to citizens that they can challenge government decisions or to vulnerable groups, such as women, that they can influence the government decisions in their favour, in the absence of an existing legal framework for organizing and protecting these rights.

Three legal reform measures have the potential to enhance popular participation and the legitimacy of governments.

- Re-evaluation of universal suffrage. It is by no means certain that universal suffrage is appropriate in all situations and at all levels of African societies. Indeed, the integration of these societies, which is a requirement for the proper functioning of democratic pluralism, requires (among other reforms) the protection of minorities, the promotion of decentralization through diversification of the statutes of local groups, major land reform measures to achieve a redistribution of economic power, and the nurturing and defending of cultural pluralism in order to give an equal chance to all cultures and to permit each individual to choose his culture. These reforms and many others will require other forms of representation and other mechanisms for choosing representatives. They therefore mean that universal suffrage should be confined to specific and clearly-defined areas, since, uncontrolled, it may in certain cases tear instead of reinforcing the social fabric.

- Re-evaluation of the modalities of popular participation. African constitutions must permit populations within the framework of a majority government to participate as far as possible in the preparation, elaboration and execution of decisions that affect them. In this connection, democracy offers an impressive range of instruments which have been little used in Africa but which could radically transform African societies. These include:

  - modalities of co-management and of sharing in the capital and results of production units;

  - introduction or strengthening of mechanisms of direct democracy, namely: referendums on all major issues; popular veto that permits a group of citizens to oppose the application of a law; the right of citizens to take the initiative to put laws to a vote; the power to revoke the appointment of officials, particularly at the local level, and so on.

  - modalities for national dialogue: certain important issues, a list of which could be set out in the constitution or in national laws, should obligatorily be made the subject of a national dialogue.

  It would be possible in this way to create a genuine participatory and vibrant democracy capable of strengthening national solidarity.

- Devolution of power. African constitutions must fully exploit the democratic principle of the separation of powers. In its classic form, this principle refers to the separation of the legislative, executive and judicial branches. What is important to remember, however, are not the three major branches thus created but the very

principle of separation. The principle of separation is an evolving, dynamic principle which does not embody a fixed form of organization of power but allows all types of societies to adapt to the demands of a pluralist democracy.

A high degree of inflexibility is characteristic of African societies: the State is highly centralized and its economic powers, particularly those over land, have been usurped by feudal systems. This being the case, the machinery of pluralistic democracy is ineffective: the traditional separation of power between the executive, the legislature and the judiciary, which was intended to create a system of checks and balances, can no longer operate.

Parliament is a good example. In the traditional separation of powers, Parliament's role was to counterbalance the executive. That being the case, persons wishing to be elected to parliament had to meet high standards, and had to have the material means to fulfil their mission.

However, above all they had to be representative, in other words, they had to wield effective political power over the populace. However, the electoral codes of most African countries make this impossible for they focus on ensuring that there are no irregularities in the electoral process rather than on ensuring that those elected are representative. That is why members of Parliament can be elected transparently and with no irregularities without, however, wielding real political power over the population. This means that political power does not lie within the Parliament, but in religious or traditional circles, for example. For Parliament to become the place where the decisions come from and play its counterbalancing role properly, a different philosophy of electoral law is needed.

In order to shatter the inflexibility of Parliament and of the other democratic institutions, the constitution must make provision for mechanisms to gear down power; this does not just involve a simple technical adjustment such as devolution; rather, it means adopting a different philosophy for distributing power, all forms of power, so that every individual, every social group, has something to hold on to and defend.

The secular States are making progress in this area as they make it possible to draw a distinction between political and religious power. However, in a secular State power is a synthesis: it consists not only in the power to regulate the citizens' behaviour officially, but also in the power to pre-empt their ethical choices; not only are the citizens told how they should act; their ethical choices are pre-empted and they are told what they must do. To create effective checks and balances, it is necessary to push ahead with the gearing down of power - for the secular State is just the first link - for example by separating political power from economic power on the one hand and from cultural power on the other.

(b) Effectiveness and accountability

Democratic society presupposes both effectiveness in the decision-making process and accountability on the part of the administration's staff.

- Effectiveness can be achieved thanks to two key indicators of good governance:

  - Transparency, which is one way to prevent corruption. The detailed analyses of this issue in recent United Nations and bilateral development agency activities remain both pertinent and valid today. Also, close and constant collaboration between the United Nations and organizations such as Transparency International will be very beneficial for Africa, while the adoption of an international convention, presently in draft, to combat corruption will be a significant step forward in this area.

Meanwhile, Africa can take initiatives that, though modest, are effective and easy to implement. It can begin by ensuring transparency in the use of official development assistance.

Africa receives significant quantities of bilateral and multilateral assistance for the development of its institutions. However, unless it is used properly, official assistance which is intended to strengthen democracy can ruin it; it can rip the social fabric, instead of promoting cohesion and harmony as was expected; it can introduce and maintain questionable practices in the conduct of public affairs whereas it had been hoped that it would develop new indicators of good governance; it can even tarnish the image of the donor, who, all unwilling, ends up being a party to a situation where, paradoxically, people may even regret receiving the assistance because it has heightened expectations and caused conflicts that might not otherwise have seen the light of day.

One precondition for the proper use of official assistance is transparency in that use. It is not, of course, enough on its own but it is necessary and must be in place before there can be any background discussion. The debate about transparency, like the one about the proper use of assistance, must begin the moment the assistance is granted: it is no good waiting for the money to be spent before "discovering" that it has not been spent properly and embarking on a witch-hunt and all sorts of investigations which are not only bound to fail but could even make some of the frustrations worse.

Governments could publish an official assistance journal every three or six months in which any citizen could find information on such things as:

- The total amount of financial assistance obtained from each donor, along with a detailed breakdown by area of activity or by budget line: seminars, publications, election logistics, vehicles, various items of equipment, allowances and fees if any, and so on;

- A list of natural and legal persons such as groups, companies, associations, researchers, consultancies, economic consortiums, non-governmental organizations and so on that have received, for whatever reason, official assistance funding, under whatever title (assistance, fees, subsidies, paid travel, accommodation or meals for or during seminars, daily subsistence allowances and so on). This does presuppose that anyone who accepts funding drawn from official assistance funds should be warned that his or her name will appear in the journal;

- A list of assets in the form of capital equipment, materials, supplies and so on acquired with official assistance funds showing how they are currently being used;

- A list of publications, writings, brochures, pamphlets, seminars, conferences and so on put together or run using official assistance money.

Much additional information could be published in such a journal; also, it would improve from edition to edition.

For everything that cannot be done or managed directly by public servants in post, the procurement regulations must be strictly observed. This is so not only for capital equipment, materials and supplies, but also for research, publications, organization of seminars and all other kinds of services. It should not be necessary to have "connections" to break into these official-assistance-funded activities. Using the normal rules of competition it ought to be possible for an independent technical commission to select the structures and people best qualified to carry these activities out. Lastly, calls for tenders should be widely publicized and should not be treated like sensitive information to which only insiders or closed circles of connections can have access.

These minimum conditions, if they were all met, would at last enable us to begin the background debate on the proper use of the money our partners give us. Two brief examples: if we compare the amounts allocated to publications and to indelible ink during elections, we will perhaps see that we can economize on publications by not putting them out in colour on luxurious glossy paper and that the money thus saved could be used to acquire better-quality indelible ink that is effective no matter how it is used - without needing to shake the bottle, for example. And then again, we might reduce the number of vehicles, so long as they are used exclusively for election logistics.

Transparency in the use of official assistance funds is just one aspect of transparency in the management of public finances and public affairs in general. It is the best indicator of good governance.

The effectiveness of good governance will be judged on the day-to-day implementation of this virtue, because if Africa is able to offer this kind of transparency, this would not only safeguard its sovereignty and free it from external controls that are ever more restrictive and disagreeable, but it would also indicate that a profound transformation in mind-set had occurred, meaning that there was greater respect for the public good and that a strong and respected State had emerged.

- Decentralization as an indicator of good governance has been the subject of many pertinent comments.

The technical aspects of decentralization - territorial or local decentralization, decentralization by services, decentralization of the central authority, delegation of power and authority - are intimately linked with the performance of the civil service, and falls within the province of public administration.

The role of decentralization in good governance is examined below, in the paragraph on national integration.

- Accountability enables us, within the framework of good governance, to identify the person to be called to account.

The French language should borrow the English term "accountability" because it is more expressive than the equivalent French expressions responsabilité, obligation de rendre compte, imputabilité and so on.

Accountability gets rid of the anonymous decisions and activities that are so very damaging to good relations between citizens and the administration. It also sets up the incentives and disincentives without which there can be no good governance.

(c) National integration

One of the major obstacles to the emergence of a democratic society in Africa comes from the lack of national integration in these countries. Thus, most African States are suffering from a crisis of legitimacy.

The legitimacy of a State must not be confused with the legitimacy of governments: a government is legitimate if it is properly elected and if it enjoys the free consent and support of a majority of its citizens. Conversely, the legitimacy of the State assumes that the State is based on a minimum consensus: consensus on its institutions, on the checks and balances which ensure the various freedoms; consensus on the State's frontiers, and consequently on the nation.

It is clear that most African States are suffering from a crisis of legitimacy; this, in many cases, explains why there is governance: many repressive and freedom-depriving laws are explained, though not justified, by the fact that the State does not enjoy legitimacy, this is to say, a minimum consensus that could have given it the necessary authority to have its decisions accepted.

This situation stems from the fact that the artificial frontiers imposed by colonization and frozen by the new governments do not always actually gel. While people once believed in good faith that planting a centralizing State on these frontiers would lead to the creation of a nation (this is, roughly, the so-called nation State thesis), we now see that national feeling remains very fragile and that, in most cases, clan, tribal or regionalist reflexes take precedence over what industrialized countries call "the general interest".

The failure of the theory and policy of the nation State explains why many African countries appear to be made up of a host of unconnected - and, in many cases, rival - nationalities rather than being integrated wholes.

Two legal instruments can promote national integration in Africa.

- A different philosophy of decentralization. There is no longer any question that decentralization is an indicator of good governance, and large sums are currently being spent to support such decentralization in many African countries.

What is involved, however, is traditional decentralization, which proceeds more or less as follows, at least insofar as French-speaking Africa is concerned: a law recognizes the legal and financial autonomy of regional groupings or communities, authorizes them to elect their own officials and administrators, enumerates their powers, transfers to them certain services which up to now have been administered by the central government, and transfers to them the resources which the central government has used for the administration of such services.

This unquestionably constitutes progress relative to the previous situation in which all activities were administered by the central government. As conceived, however, this kind of decentralization does not promote national integration, and it will become clear before the end of the decade that it is not an indicator of good governance, for at least five reasons:

- It is a duplication, an imitation at the regional level of what is being done by the central government; the central government, however, is not a model of performance in Africa. To transfer its rules of functioning to the regional communities is to make bad governance worse, not to strengthen good governance. Thus, countries which have carried out decentralization have transferred to the decentralized communities the electoral system of the central government, the structure of the executive branch of the central government, and all the institutions that do not work well and that are often included in reform programmes aimed at promoting good governance. In addition, it is often the same individuals who discharge responsibilities at the government level and in the decentralized communities. Therefore, traditional decentralization does not do away with the dysfunctions seen at the central government level; these dysfunctions remain, but are duplicated in smaller jurisdictions within the State.

- Traditional decentralization does not protect minorities; universal suffrage does not afford them real representation. There is a need to devise other forms of administrative organization which take these realities into account, and in particular, to reconsider the method of drawing the boundaries of administrative districts.

- Duplication of the central system occasionally goes so far that all the decentralized communities are organized strictly in the same way; however, the status of the regional groupings should be varied. Attempting to administer all the regions of a State in accordance with uniform rules increases social rigidities. The status of the regional groupings should be varied. There is no reason to set up the same types of administrative bodies in nomadic, desert, forest and maritime regions.

- Traditional decentralization does not guarantee cultural pluralism. Furthermore, the gap between political and cultural pluralism is the source of numerous divisions within society. Cultural pluralism implies that the political authority does not organize the domination of one culture over the others, and that it gives all cultures equal opportunities to develop. It also implies the freedom to choose one's culture and, accordingly, the option of changing cultures and being accepted.

- Whenever the dimensions of the State so permit - and this is true for nearly two thirds of African States - federalism is the best means of administering public affairs.

Therefore, a different philosophy of decentralization must be applied if decentralization is actually to promote national integration.

- The integration of law and the restoration of the judge's authority. The analyses done of the independence of judges as an indicator of good governance remain relevant; the judicial support programmes developed in many African countries, aimed, for example, at equipping the courts, training judges and providing them with useful documentation necessary for their work, are likewise commendable.

Nevertheless, these judicial support programmes are aimed mainly at the consequences of bad governance in relation to the administration of justice, not at its real causes. Quite often, bad governance in the field of justice is due not to the status of the judge, but to the way in which justice is organized, and, still more fundamentally, to the fact that the law that the judge attempts to apply is not suited either to the sociocultural realities or to the demands of globalization and technological innovations. This is why the beneficial effects of judicial upgrading programmes are likely to be vitiated if they are not followed by reform of the very basis of law.

Consideration could therefore be given to the implementation by the United Nations of a project on law reform in Africa, designed in such a way that the various families of law across the continent would be enriched by their mutual contributions.

For instance, the introduction of certain common-law principles into the French-speaking African sphere would make it possible to develop numerous indicators of good governance, at least insofar as the authority and office of the judge are concerned; the same goes for the institution of trusts, which would be particularly suited to African socio-economic realities. On the other hand, the common-law African countries would welcome the adaptation of certain institutions of the civil-code system, such as the attribution of responsibility to governing authorities and other public figures.

There are at least three issues at stake which justify such a project.

• A law reform will strengthen national unity. The African nations are not united in the sphere of law; they operate in accordance with the principle of legal pluralism. This means that there are several legal systems which overlap and thus cancel one another out. Despite appearances, the State legal system derives its effectiveness and legitimacy from only about one quarter of the population. The fact that the State has at its disposal means of coercion enabling it to impose its law on all should not imply that the legitimacy of a legal system can be based on coercion in the long run. Only an internalized rule can ensure a truly stable legal system. Nevertheless, whole sectors of African society are beyond the reach of State-imposed law, or resist it, and continue to evolve in accordance with the rules of their own legal systems.

While some schools of thought encourage legal pluralism, seeing it as a reflection of political pluralism at the social level, such a system threatens national unity in the long run. For example, the coexistence of secular and religious rights rests on a delicate balance, the shattering of which would have severe consequences for national unity.

The primary goal of law reform is, therefore, to bring about the social integration of law and, accordingly, to broaden and strengthen the basis of consensus, so as to enable democracy to function better.

• A law reform will strengthen social peace. One of the trends in modern law is to assign a new role to legal norms.

The function of legal norms heretofore was the direct regulation of individual conduct. Such norms were lawful to the extent that they were promulgated by duly authorized bodies, such as the parliament in the case of laws and the government in the case of regulations. Rule-making was thus unilateral: education reform, the electoral code and the status of civil servants, to mention but a few examples, were adopted by the parliament or decreed by the government, unilaterally, subject to review by a judge of the practical means of implementing them.

What appears to be new is the tendency to confer on legal norms the function of guidelines and frameworks for consensus; traditional unilateral norms are gradually being replaced by consensual norms. By degrees, genuinely compulsory norms are becoming negotiated norms, even in areas traditionally within the discretionary power of the government administration, such as the civil service, and even though the general status of civil servants still proclaims that, from the standpoint of the administration, a civil servant is subject to statutory and regulatory control.

In the light of this phenomenon, there are at least two political options:

- Maintaining and strengthening republican legality, which would, for example, mean that a law duly adopted by the deputies of the nation, elected on the basis of universal suffrage, could not be challenged outside the National Assembly, or that full effect must be given to executive decrees issued in exercise of the discretionary power conferred on the executive by the Constitution;

- Assigning a new function to laws and regulations. For instance, if they are regarded simply as guidelines, it must be admitted that coercive norms will emerge only after consultations take place within the frameworks which they establish, unless it is also decided that laws and regulations will come into play only to codify the results of consultations arrived at by consensus.

For reasons of maintaining social peace, it is this last trend which certain African governments appear to be following. But if this trend is to persist over time, a law reform should redefine the roles of the legislator and the executive and the methods enabling the social partners to participate in the legal decision-making process.

Here, too, common law can be of great help to the French-speaking countries. Common-law norms represent (i) the codification of great judicial decisions, (ii) guidelines which become effective only when they are interpreted and applied by the courts, or (iii) arbitration: when faced with a problem that raises serious conflicts of values, the courts refuse to rule and request the parliament to arbitrate.

- A law reform will increase competitiveness. One of the features of a civil-code legal system is the distinction between public and private law.

This distinction appears to be more and more of a handicap in the current international context marked by competitiveness and globalization, especially because this context is largely dominated by the common-law Powers, which either do not recognize this distinction or do not give it the same importance.

A law reform will merely take note of this seemingly natural convergence between public and private law and draw practical consequences from it, for instance, in the criminal-justice field. The common-law countries have neither a public prosecutor (parquet) nor an examining magistrate, and yet crimes and delicts are punished in those countries. Even in criminal justice, the system is based on the adversarial principle: the judge is limited to applying strict rules on admission or exclusion of evidence, and does not interfere in the conduct of the trial, which is based almost exclusively on witnesses' evidence and the prosecution is held to the standard of proof beyond a reasonable doubt, without which the defendant is acquitted.

Such an institution is clearly an excellent indicator of good governance.

One major consequence of the integration of law will be felt in African countries in which there are castes, and in the more numerous ones that practice tribalism.

No real democracy can function in such countries.

India, which is on the point of eliminating similar situations, is an especially appropriate example for Africa.

4. Public policy formulation and management

The beneficial effects of a democratic law-governed State and a democratic society can be maintained and enhanced only if public policies are well designed and well managed.

African countries and development partners have a twofold responsibility in this area.

It is frequently the case that some African Governments do not clearly perceive the objectives of good governance in relation to the reforms that they are undertaking or the public policies that they are initiating.

It should therefore be pointed out that good governance implies that when one knows how to use an instrument, one can improve its performance without transforming it. Accordingly, innovation would consist, not in reforms, but in the manner in which the State or administration is managed, utilizing its various component parts and structures in such a way as to maximize their output and effectiveness.

Good governance does not exclude reforms. Nevertheless, contrary to the premises based on the view that "the smaller the State, the better the State", it does not envisage reforms in themselves as a means of changing the role of the State, but rather as constituting performance indicators of how well public affairs are conducted, in other words, as effective tools for managing a State or administration.

For example, whereas the economic interpretation of a decentralization reform would be to determine, inter alia, how the new distribution of responsibilities between local communities and the State changes the latter's role, relieves it of certain tasks or eases its finances or to raise the question whether the new local communities have sufficient resources to assume their new functions, concern for good governance would seek to determine how the reform improves the quality of relations between the State and civil society, whether and to what degree it promotes popular participation and local democracy and so forth.

The performance indicators that are obvious signs of good governance are numerous and vary according to context. Taken in isolation, these factors are not indicators of good governance. In other words, for example, there is no good constitution or good legal system in itself. At most, it could be said that each of these elements, taken in isolation, is good in itself: in absolute terms, any constitution could be good, just like any legal system or concept of human rights.

On the other hand, these elements represent indicators of good governance to the extent that they are able to interconnect and function harmoniously. The various elements in question must be able to fit together, mesh with one another like parts of a machine in operation.

For African countries, the question of good governance consists, therefore, in determining whether and to what extent reforms mesh and fit together harmoniously with their constitutions, legal systems, civil service and so forth, or what corrections should be made to one or more of these elements to make them function as parts of a single machine in operation. Good governance is like a machine that runs properly. The absence of good governance is a juxtaposition of such parts, each of which is interesting, but which are unable to interconnect in order to form a functioning apparatus either because they belong to different types of apparatuses or because, when they were manufactured, no one had thought that they would have to interconnect or fit together.

Accordingly, further efforts must be made in Africa in order to develop good governance. There are three main shortcomings in the way public policies are formulated.

1. Many reforms are not completed and some States resemble vast neglected building sites.

Good governance is measured also by the ability of the public authorities to implement and complete coherent reforms.

2. Frequently, there is no correlation between various reforms. In this case, they do not fit together or interconnect with one another as they should. For example, a decentralization reform, a reform of the legal system and a civil service reform are undertaken successively, but none of them exerts any ratchet effect on the others. Thus, decentralization is not used in order to reduce the civil service by transferring part of its personnel to the new local communities or decentralize the system of justice in order to bring it closer to the citizens at large.

3. The refusal to accept all the consequences of the electoral process is not consonant with good governance either. The purpose of elections is to designate the majority which is going to govern. To form a government, following elections, which does not reflect the results declared indicates that something is not functioning properly in the political system.

Development partners, including the United Nations, can also promote better formulation of public policies on the part of African countries.

They should first of all harmonize their own positions concerning governance so that differences among them do not affect African public policies.

They should then accept the fact those policies are just as diverse as the States are. This requires that they abandon the practice of designing projects that are applicable to any group of States without distinction, since no African State is identical to another. This should induce them to decentralize activities so that they are more in conformity with local conditions. Ultimately, the entire responsibility for formulating such projects must be transferred to the Africans themselves.

B. Emerging trends with regard to governance

The developments referred to earlier foreshadow the extent of future problems with regard to governance. These are problems that at the current time have not been solved or will emerge as a result of the new world political and economic environment.

They can be placed in two major categories: one concerning the nature of the African State and the tasks facing it, the other relating to the future of majority-based pluralists democracy.

1. The future of the African State

The debate on the African State in terms of governance refers to the expression "reconceptualization", which will henceforth enjoy currency.

The reconceptualization of the State is the redefinition of its role and its missions, in view of the objectives that are given to it.

In this regard, Africa has been moving towards three options.

(a) The strengthening of the State will be necessary for good governance.

Another interpretation of the concept "the smaller the State, the better the State" is gaining ground.

Up to the present time, an economic interpretation linked to the implementation of structural adjustment policies has prevailed. The phrase "the smaller the State" is directed towards the past in order to describe what must be changed; "smaller" suggests that this change must aim at reduction, that it is a matter of unburdening the State of something. The phrase "the better the State" is oriented towards the future; it describes what will be or ought to be the new image, the new profile of the State. The word "better" succinctly expresses a value judgement suggesting that it is a question of a qualitative change, that the profile of the State, when it has been unburdened of something, will be preferable to what it is at the current time.

The result is a weakening of the State. Hence the expressions: the "minimum State", "facilitator State", "essential State", "necessary State", all of which mean that the less the State intervenes, the better it is for the economy and the citizens.

Henceforth, we will move towards a managerial interpretation of "the smaller the State, the better the State".

First, it was perceived that economic liberalization required precisely a strong State capable of taking initiatives, giving impetus, directing, sometimes controlling, and of asserting itself in international relations.

Subsequently, without calling into question the economic role of the State, greater importance has been accorded to good governance, that is, the way in which the State assumes its functions and makes use of its capacity for regulating and providing impetus and its ability to guide society.

In this context, the new State must keep the initiative, reserve an irreducible space for the public service sector and thus be able to arbitrate between private interests and the general interest.

It is a question of determining how to strengthen the African State without returning to the interventionist State or calling into question the major choices offered by economic liberalization. It will perhaps be necessary to establish the principles of a neo-interventionist State.

(b) New forms of the State might emerge in Africa.

Two possibilities may arise.

The emergence of a regional or subcontinental State.

If decentralization succeeds and makes sufficient headway and if economic integration gains ground through a strengthening of the existing communities (ECOWAS, CACEU, WAEMU, etc.) as well as the establishment of others, many responsibilities will no longer be carried out by central governments and there will be movement towards a regional State in which the main decisions will be taken at the headquarters of the African communities.

Relatively speaking, this will bring the African countries closer to the model of the European Union.

In accordance with this hypothesis, good governance on the part of African States will be evaluated on the basis of their adherence to the objectives of the political communities. Likewise, the guarantees for citizens' rights and freedoms will assume a regional dimension. Good-governance programmes will be more effective since they will apply to a larger territorial space.

The emergence of the multinational State or the ethnic State

Some regions of Africa are seriously threatened by tribalism and ethnic rivalries.

In some cases, these ethnic groups are like small nationalities, with all the attributes and characteristics that this involves: languages, religions, history and so forth.

As a result of the arbitrary contours of the frontiers of most of these States, some of these ethnic groups or nationalities overlap in several legally independent countries.

The ethnic group as a basis for reconceptualizing the State is becoming the subject of intense reflection in Africa. The failure or slackening of economic development could lead, in some parts of Africa, to the emergence of a

multinational or ethnic State. The question with regard to good governance will then be to determine how such a conception of the State can be in accordance with universal human rights. This will be a major challenge that Africa will have to take up.

2. The future of pluralist majoritarian democracy in Africa

(a) The plurality of democratic models

In these analyses, the references to democracy imply pluralist majoritarian democracy, a system in which the Government is placed in the hands of representatives who are freely chosen by citizens after free and fair elections. It is, therefore, the Government of the majority.

But pluralist democracy is only one among many democratic models. In Africa, as elsewhere, there is a plurality of democratic models.

Africa remains tempted by three of these models.

- Democracy without political parties has been tried in some East African countries but it is still too soon to be able to evaluate its effectiveness.

If this form of government were to succeed in guaranteeing universal human rights and sustainable human development, it would lead to a profound change in the concept of good governance.

- An alternative culture-based model

The preceding remarks lead to an immediate logical reaction: Africa should invent its own democratic model or it should invent the institutional framework for consensual democracy, which amounts to roughly the same thing.

This is certainly the fundamental solution towards which it seems legitimate to work, whatever the obstacles and reservations involved in such a culture-based approach.

However, the primary difficulty is the fact that development of an African model will take time, and still more time will be required in order to test, experiment with and adjust it and make it competitive. A number of studies have been carried out in this regard, and they should be pursued and encouraged. But it is clear that they will bear fruit only in the distant future. Until these results are available, it seems urgent to seek other solutions.

- Return to a one-party system

With the revival of democracy in Africa, the death of the one-party system was, somewhat hastily, proclaimed. Such systems, which were conceived at the time of independence as an ongoing framework for consensus which would concentrate a nation's energy and strength on essential matters in order to ensure economic development, eventually came to serve the personal ambitions of

some political leaders who used them as instruments of dictatorship. Although they were intended to promote and consolidate national unity and social tranquillity, ultimately they divided nations, exacerbated antagonism and tribalism and stifled freedom and human rights.

Because such systems became synonymous with dictatorships, they have understandably been widely rejected, particularly since 1989 or 1990, the years which marked the beginning of the period of democratic renewal in Africa.

Since only a few years have passed since the beginning of these new political experiments, experience calls for caution and discretion: the possibility that some African States will restore or maintain one-party systems can no longer be summarily and categorically ruled out.

Several factors may contribute to this development.

- The African countries which have not yet established a multi-party system, though few in number, may be discouraged from taking this step when they see what is happening in pluralist democracies and, on the contrary, be encouraged in their desire to strengthen and improve their own forms of government.

- The excesses and immoderation of the opposition in certain countries may eventually create a backlash against pluralism; the latter may be perceived as a disorderly and irresponsible regime, and this may encourage or facilitate the rise of civilian or military dictatorships.

- Power-sharing, whatever its modalities, brings the countries which practice it to the verge of a one-party system. It invariably creates or strengthens the system of the dominant party. Thus, by marginalizing the opposition, it paves the way for a return to a one-party system.

Unless the economic results obtained by pluralist democracies are significantly better than those achieved by one-party regimes, pluralism will have no further justification from the point of view of international competitiveness; it will be reduced to a dialectical exercise for salon intellectuals, limited to the capital cities of Africa. Under those conditions, more and more people, including in official circles, will start calling for a return to the one-party state. In this regard, it is significant that some powers no longer require pluralist democracy, but rather economic results, as a condition for assistance.

Of course, a return to the one-party system should not be encouraged; it may even legitimately be opposed. However, since a return to this type of regime is no longer a merely hypothetical question, the positive, useful approach in the case of Africa would be to determine how, under these conditions, it might be developed.

In that regard, it might be appropriate to take another look at a concept which met with opposition and disparagement when it was formulated by certain western politicians, that of the multi-trend one-party system: a single framework which would include as many significant political trends as were

present in the country. These trends would take the place of political parties. Various measures and provisions would make it possible to organize a change or rotation of power within the party and to share power so as to preserve ethnic, linguistic, regional and other types of balance.

(b) The ambiguities of Africa's choices and their impact on good governance

The institutional models which have just been described are mutually exclusive: pluralist majoritarian democracy, consensual democracy and democracy without political parties cannot be made to coexist in a single State. Furthermore, each form of democracy has its own instruments, which cannot be applied to other systems. For example, elections are used to calculate the governing majority in pluralist democracies.

What would appear to be a given is not clearly the case in Africa. Some countries adopt the instruments of pluralist democracy and organize elections in which several political parties compete, but then appoint the heads of the principal opposition parties to government posts without their respective parties having agreed on a common programme of government. Various terms, including power-sharing, expanded majority and common management, are used to describe this governmental practice.

Of all the explanations of this phenomenon which have been advanced, two are interesting from the point of view of governance issues. The first is that it is a substitute for a change of power; since such a change is impossible because the system is blocked by a dominant party, power must be shared with the opposition because the latter has no legal access thereto. The other explanation is that the phenomenon of majoritarianism does not exist in African tradition: the minority's acceptance of decisions taken by the majority is a feature of western culture. This would explain why Africans, while pretending to accept the rules of pluralist majoritarian democracy, incorporate into that system principles which are foreign to and which distort it.

Experience has shown that this practice is a move away from good governance: costly elections are organized as if to designate the majority which will govern, but with no result; it is always the major opposition party which is brought to power. Thus, there is no longer any opposition in Parliament, which brings the country to what borders on a one-party system. Many other drawbacks of this practice could be cited.

For all of these reasons, clear institutional choices are also indicators of good governance.

(c) Adaptation to pluralist majoritarian democracy and new problems of governance

Unquestionably, the best solution is for Africa to adapt to pluralist majoritarian democracy rather than seeking to create an African form of democracy. In this respect, two major difficulties will be encountered on the path to good governance.

- Inducing acceptance of the principle of majoritarianism

As has been stated, in Africa, it is not natural for the majority to decide and the minority to acquiesce, which principle is the very basis for majoritarian democracy.

In fact, this concept is foreign to many African cultures, which refuse to decide on a yes-or-no basis, to vote or to choose. Difficulties are circumvented and confrontations and disagreements avoided, even in situations where they would be salutary. In countries where such cultures are dominant and where an equally dominant religion exerts a strong influence on citizens and political decision-makers, pluralist majoritarian democracy cannot function appropriately since there would have to be a complete change of attitude in order for majoritarianism to be accepted.

- Balancing the platform of unanimity

The social fabric on the basis of which pluralist democracy can develop must display, inter alia, two apparently contradictory characteristics. On the one hand, there must be a minimum of common values, a platform of unanimity composed of a set of cultural or material assets on which there is a minimum degree of consensus. It is this platform on which the members' solidarity is based. But, on the other hand, there must be enough moral and material difference between citizens to make pluralism possible. These differences must be sufficiently great and perceptible to justify political competition, but not so great as to call into question the platform of unanimity. Pluralist majoritarian democracy is impossible where the differences are so great as to tear the fabric of society; neither can it exist where the platform of unanimity is so broad that there is no longer anything for the citizens to debate.

Most African societies are characterized by an imbalance in the platform of unanimity.

In some of these societies, owing to factors such as a dominant or even virtually universal religion, an absence of ethnic diversity and, consequently, of cultural diversity and a dominant ethnic group, the citizens have little to debate and there is no alternative to the power currently in place. In others, the reverse applies: the differences are so great that the social groups resemble genuine autonomous nationalities. In such cases, debate and majoritarian democracy are both impossible.

These factors explain the existence of the one-party regimes which have now been replaced by those based on a dominant party; in these regimes, there is no change of power or political alternative because the system is blocked by one large party, orbited by a circle of small parties which are unable to exert any real influence on political life.

Only through a policy of profound, bold structural and institutional reforms can the platform of unanimity be balanced. The question of which type of Government should carry out such reforms and, consequently, pave the way for the introduction of democratic pluralism, is a central issue for normative political theory and good governance.

III. RECOMMENDATIONS

The following recommendations confirm and build on those submitted to the thirteenth session of the Group of Experts, which are still relevant today.

A. Recommendations for achieving the overall objectives of good governance

1. Recognize the importance of the law in the formulation of good governance programmes

Programmes to strengthen good governance must have major legal components. It is a fact that in many cases, a high degree of political will to run affairs in accordance with the principles of good governance is thwarted by legislative and regulatory gaps and inadequacies. Legislative reform must therefore be viewed as a key objective of good governance. This implies that the United Nations will involve highly qualified jurists who are well versed in both the romano-germanic and common law systems in the formulation and implementation of governance programmes.

2. Coordinate administrative reforms and governance programmes

A close correlation must be established between administrative reforms and good governance. Often administrative reforms which by themselves give every indication of guaranteeing performance turn out not to promote good governance when actually implemented. Accordingly, the terms of reference of administrative and financial reform projects must provide for an assessment of the impact of the good governance they will produce.

3. Give priority to programmes aimed at stimulating innovation and enhancing central Government performance

Governance programmes need to devote the largest part of their attention to improving public management by the central Government itself. While significant efforts have been made to restructure the civil service and bring about decentralization, most central Governments in Africa continue to function as they always have, whereas it is they who are supposed to give direction to the system as a whole.

4. Disseminate human development objectives, as understood by the United Nations, more widely

Sustainable human development continues to be the backdrop and the benchmark of any good governance programme. This new economic policy needs to be disseminated more effectively and intelligibly to as wide an audience as possible. Good governance must also ensure that the majority of citizens understand the human development index (HDI) and how it can be improved.

5. Emphasize comparative approaches

Emphasis should be placed on comparative approaches between African countries having different colonial histories and between Africa and other democratic developing countries.

B. Recommendations relating to specific good governance objectives

6. Set up a global and integrated programme to strengthen the institutional framework for good governance in Africa

The major conference held in Addis Ababa in March 1998 on strengthening the institutional framework for governance must lead to changes in Africa in the very near future. In this connection, the United Nations could develop a global programme for strengthening the institutional framework for governance in Africa.

This programme would have three components:

- A component entitled "Reform of constitutions and governing institutions", which would include electoral systems, political party charters, the rules of procedure of parliamentary assemblies, the status of opposition parties, and so forth;

- A component on "Reform and the integration of law", which would harmonize, integrate and adapt modern and traditional laws as well as different legal systems;

- A component called "Democratic rotation and power-sharing", which would set out the principles of rotational government and, where this is impossible, identify the conditions under which the opposition can share power without undermining the principles of good governance.

This recommendation would be implemented as follows:

- Each component of the programme would be the subject of three regional conferences held in English, French and Spanish and Portuguese. This initial phase would allow countries with common political traditions to synthesize their experiences and practices;

- Each component would then be the subject of a summarizing conference during which all countries would determine what the positive experiences of all political and legal persuasions were with a view to incorporating them in the final project;

- A general conference would then bring together all the synthesized elements into an integrated project.

This integrated project would enable the United Nations to establish standards for the institutional framework for good governance in Africa. These

standards would of course be optional for States, but would be gradually implemented because civil societies in States would rely on them as they demanded progress in the area of good governance and because certain bilateral agencies might make this a condition for aid.

7. Eliminate castes, combat tribalism and develop physical education

Castes which discriminate against citizens because of their birth are a blatant affront to human dignity. Tribalism as reflected in preferences shown to the members of one's own ethnic group, clan or tribe in the management of public affairs is one of the major symptoms of bad governance. In attacking these major problems with energy, determination and powerful tools, the United Nations can avoid disruption and failure. In this connection, the experience of India is particularly noteworthy.

8. Expand decentralization policies

Many programmes in support of decentralization are currently in operation and should be pursued.

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GROUP OF EXPERTS ON THE UNITED
NATIONS PROGRAMME IN PUBLIC
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Fourteenth session
4-8 May 1998

REVIEW OF THE UNITED NATIONS PROGRAMME IN PUBLIC ADMINISTRATION AND FINANCE

Report of the Secretary-General

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I. LEGISLATIVE AND HISTORICAL BACKGROUND

1. The main purpose of the Meeting of the Experts on the United Nations Programme in Public Administration and Finance is to review the United Nations Programme in Public Administration and Finance and to suggest new directives for future United Nations activities in this field. The mandate for the Group of Experts derives from the United Nations Economic and Social Council resolution 1199 (XLII) of 26 May 1967. Paragraph 7 of resolution 1199 (XLII) reads as follows, "Decides that the United Nations programme in public administration should from time to time be reviewed by a meeting of experts taking into account the public administration aspects of all programmes of the United Nations system, and that their report should be submitted for consideration to the Economic and Social Council".

2. Since the first call for direct United Nations involvement in improving public administration was made by the General Assembly in its resolution 246 (III) of 4 December 1948, the United Nations Programme in Public Administration and Finance has evolved into a major, comprehensive and complex set of United Nations activities. There are three key aspects of the activities of the programme. The first is to review mandates reflected in General Assembly and Economic and Social Council resolutions and decisions, indicating the evolving agenda for technical assistance and supportive research in public administration and development. The second is an elaboration of selected exemplary programmes of assistance. The third is to review the contributions of other organizations in the United Nations system concerned with public administration.

3. Pursuant to various legislative mandates, the United Nations Programme in Public Administration and Finance has sought to meet the expressed needs of developing countries in improving their administrative and financial management systems for development. While the Programme grew steadily during the 1950s, the rate of growth greatly accelerated during the 1960s when focus shifted away from concern with maintenance-oriented administration towards greater emphasis on development administration. By the 1970s, Governments were increasingly concerned with building or strengthening national institutions devoted to the improvement of their administrative capability for economic and social development, and the Programme adopted a more interdisciplinary approach to handling administrative issues. During the 1980s, in a response to the external debt crisis and rising debt burdens and structural adjustment measures, the activities of the Programme focused on improving management techniques, public policy management and implementation of modern administrative processes.

4. The beginning of this decade brought with it dramatic global political and economic shifts, marked by increasing tendencies towards democratization, greater reliance on market forces, greater emphasis on mobilizing domestic resources and reducing fiscal deficits, increasing privatization, growing participation of non-governmental and community-based organizations in the development process, and heightened recognition of the need to assure environmentally sound and sustainable development. The Programme has responded to these new challenges with greater flexibility and enhanced assistance in areas like governance, decentralization, accountability, and enhanced public-private interaction. In the 1990s, the Programme has been active in the areas

of environmental and electoral administration, as well as in countries undergoing urgent crisis.

5. The growing importance of the role of the public sector in the development process was recognized by the Member States when they decided to resume the fiftieth session of the General Assembly in April 1996 to consider the question of public administration and development. The General Assembly reviewed at that time the report of the Twelfth Meeting of the Experts (A/50/525) as well as the report of the Secretary-General (A/50/847). The General Assembly at the conclusion of the resumed session adopted resolution 50/225 of 19 April 1996, which reinforces and enriches the mandates for the United Nations Programme in Public Administration and Finance. In particular the General Assembly:

(a) Bore in mind the rapid pace and interdependence of global, political, social and economic development, and their implications for all countries, particularly the developing countries, and that there is a critical need for improved efficiency and effective public institutions, administrative procedures and sound financial management to harness these challenges in support of sustainable development in all countries;

(b) Recognized the role of the United Nations in assisting Governments, at their request, in ensuring the maintenance of essential basic government services and functions during times of crisis and in developing strategies for rebuilding a viable public administration in countries undergoing post-conflict rehabilitation and reconstruction;

(c) Took note of the fact that the United Nations system, responding to requests from interested Member States, has contributed in support of their public administration to include wider aspects of governance, including democratic, legal and judiciary reform, and strengthening of civil society;

(d) Emphasized the benefits to all countries of exchanging experiences and views in order to promote better understanding and applications of various international cooperation in this field, including such exchanges within the context of South-South and interregional cooperation;

(e) Invited Governments to strengthen their public administrative and financial management capacities through public-sector administrative and management reform, with emphasis on enhanced efficiency and productivity, accountability and responsiveness of the public institutions, and encouraged where appropriate, decentralization of public institutions and services (para. 9);

(f) Recognized the importance of the major United Nations conferences and urged the development of the necessary capabilities to enable public administration to implement the commitments agreed upon in an effective and coordinated manner (para. 10);

(g) Confirmed the importance of and calls for the enhancement of the effectiveness of the United Nations activities in the area of public administration and development (para. 13);

(h) Acknowledged that the role of the United Nations activities and programmes in public administration and development is to assist Governments, at their request, to improve their responsiveness to meet the basic needs of all, as well as to achieve sustainable development in all countries, the United Nations should focus its activities in the following areas as: strengthening government capacity for policy development, administrative restructuring, civil service reform, human resources development and public administration; improving performance in the public sector; financial management; public-private interaction; social development; developing infrastructure and protecting the environment; government legal capacity; post-conflict rehabilitation and reconstruction of government machinery; and management of development programmes;

(i) In this context, the United Nations should carry out these activities through pooling and facilitating access to information in public administration, promoting training and research in public administration and finance at all levels, advocacy and exchange of experiences, advisory services, technical assistance, capacity-building and human resources development (para. 13);

(j) Requested the United Nations to develop strategies, at the request of interested countries, for rebuilding a viable public administration in countries undergoing post-conflict rehabilitation and reconstruction (para. 14).

6. The Thirteenth Meeting of Experts was held at United Nations Headquarters from 27 May to 4 June 1997 (see E/1997/86). The Meeting explored current issues of governance, public administration and finance and reviewed the United Nations work programme in those areas in light of those new challenges and Assembly resolution 50/225. It made recommendations for action at both the national and international levels, consonant with that resolution. The overall theme of the Meeting was defined as "redesigning the State for socio-economic development and change". Within this overall theme, five specific issues were identified as particularly relevant: (a) promoting an enabling environment for sound governance; (b) enhancing the professionalism, ethical values and image of the public service; (c) re-thinking the State for socio-economic development; (d) creating an enabling environment for private sector development; and (e) strengthening governmental capacity in the mobilization, management and accountability of financial resources (E/1997/86, para. 4).

7. The Meeting recommended that, as a core component of the economic and social sector of the United Nations, the Programme should focus on promoting and monitoring the implementation of Assembly resolution 50/225, advancing global strategies and country-specific approaches that contribute to sound governance, institutional reinforcement and management development, as well as to the enhancement of ethical standards and professionalism in the public service. To these ends, the Programme should serve as hub and forum for the global exchange of information on policies, best practices and methods among Governments, intergovernmental and non-governmental institutions and also provide advisory services to interested Governments.

8. In March 1997, the Secretary-General in the context of his programme for reform of the United Nations decided to merge the Department for Policy Coordination and Sustainable Development, the Department for Economic and Social

Information and Policy Analysis and the Department for Development Support and Management Services into a single department, namely, the Department for Economic and Social Affairs. The purpose of the merger was that of integrating support for policy formulation, analytical and normative functions and relevant technical cooperation activities within the Secretariat. The new Department integrates the capacities for normative, analytical, statistical and technical cooperation activities with a view to maximize complementarity and synergy. As part of its normative activities, the Department will contribute to and facilitate international dialogue and debate on development cooperation with a view to building consensus in the economic and social spheres by providing substantive support to standing and ad hoc intergovernmental processes. The Programme will assist Member States in developing integrated and coordinated policy responses to development issues and to emerging global problems, negotiating global agreements on norms, standards and cooperative action and enhancing the effectiveness of operational activities for development.

9. The new Division for Public Economics and Public Administration has taken over the responsibility of the former Division for Governance, Public Administration and Finance in the implementation of the United Nations Programme in Public Administration and Finance. The functions of the new Division are described in document ST/SGB/1997/9.

II. REVISED MEDIUM-TERM PLAN FOR THE PERIOD 1998-2001 AND REVISED PROGRAMME BUDGET FOR THE BIENNIUM 1998-1999

10. The Fourteenth Meeting will consider the revised medium-term plan for the period 1998-2001 (see annex I), and the programme budget for the biennium 1998-1999 (see annex II).

A. Revised medium-term plan for the period 1998-2001

11. The text of the medium-term plan was revised to take into account the reforms carried out by the Secretary-General, in particular, to integrate public economics issues with public administration and finance. The revised text of the medium-term plan will be reviewed by the General Assembly at its fifty-third session.

B. Revised programme budget for the biennium 1998-1999

12. The proposed activities of the United Nations Programme in Public Administration and Finance for the biennium 1998-1999 are included in the revised programme budget for the same biennium, which was approved by the Assembly at its fifty-second session (see A/52/303). These activities reflect the suggestions which emerged from the Thirteenth Meeting of the Group of Experts, as well as the reorganization carried out by the Secretary-General. These activities are summarized in annex II.

C. Programme performance for the years 1997-1998

13. Since the last report on the Programme's performance to the Thirteenth Meeting of the Group of Experts, the Programme continued to deliver on the remaining mandated outputs under the regular budget programme. At the end of the biennium 1996-1997, the Programme achieved total implementation of its programmed outputs. In addition, the Division responsible for the Programme was able to deliver additional outputs in terms of publications, information services and technical materials, as well as in international cooperation and inter-agency coordination and liaison activities. Since June 1997, the Division has provided substantive and technical services to the Thirteenth Meeting of the Group of Experts on the United Nations Programme in Public Administration and Finance and the Eighth Meeting of the Ad Hoc Group of Experts on International Cooperation in Tax Matters, and substantive services to the resumed fiftieth session of the Assembly. The performance during the period was further highlighted by quality improvements and efficiency in the delivery of its outputs through the use of information technology. Partnerships with other United Nations bodies, agencies and offices and non-governmental organizations were further strengthened during 1996-1997. Finally, the Programme was able to attain much higher global visibility and presence as it continued to expand its contribution and assistance to more developing countries, particularly countries with economics in transition.

14. In the 1996-1997 programme budget, the Programme had 31 mandated programme outputs in parliamentary services and published materials. The Division was able to deliver 30 outputs during the period. One output, a non-recurrent publication, was deferred as part of the overall United Nations efficiency measures contained in A/C.5/50/57/Add.1. Overall the Division produced 5 parliamentary documents, serviced 3 programmed parliamentary meetings, and produced 22 publications. This level of delivery was achieved despite of reduction in resources, the reorganization that took place in mid-1997 and other problems that were encountered by its former Department as a whole.

15. In addition to the delivery of programmed outputs, the Division also produced 11 additional publications based on initiatives taken by the Division but guided by Assembly resolution 50/225. During the biennium, various information and technical materials, such as 25 press releases and brochures and flyers, were also produced by the Division, particularly in conjunction with the holding of the resumed fiftieth session. Cooperation, coordination and liaison with numerous United Nations agencies and departments, non-governmental organizations and other organizations were initiated and strengthened during this period. Of particular importance are partnerships that have been concluded with the Arab Administrative Development Organization (ARADO), the American Society of Public Administration (ASPA), the Latin American Center for Administration and Development (CLAD), the Getulio Vargas Foundation, the International Organization of Supreme Audit Institutions (INTOSAI), the University of Rome La Sapienza and the Latin American Parliament.

16. During the biennium, the Division strengthened its ties with other major organizations and institutions that are prominent and active in the area of public administration and finance. These partnerships afforded the Division greater exposure and presence at the national, regional and global levels while

maintaining the same level of resources. The effectiveness of its outputs and services were maximized as a result of these partnerships through more coordination and minimizing the duplication of similar activities. These partnerships further enhanced the visibility of the Organization in the area of public administration and finance.

17. Memoranda of understanding were signed between the Division and ARADO, ASPA, the University of Rome La Sapienza, the International Institute for Democracy and Electoral Assistance (IDEA) and the International Foundation for Electoral Systems (IFES).

18. Representatives of the Division also participated at meetings and conferences organized by or in association with the Eastern Regional Association on Public Administration, the Community of Portuguese Countries, the World Bank, INTOSAI, the Organisation for Economic Cooperation and Development (OECD), CLAD, the Tokyo Metropolitan Government, the International Institute of Administrative Sciences (IIAS), ASPA, the African Training and Research Centre in Administration for Development (CAFRAD), the German Foundation for International Development (DSE), the Observatoire des Fonctions Publiques Africaines (OFPA), the Commonwealth Secretariat, the ILO Turin Centre and various regional bureaux of the United Nations Development Programme (UNDP).

19. With the historic convening of the resumed fiftieth session of the Assembly and the major partnerships that have been initiated and strengthened during this period, the Programme was able to expand globally the awareness among Member States and particularly among the developing countries and countries with economies in transition the work of the Organization in this increasingly important issue in development. In resolution 50/225 the Assembly stated, inter alia, that the United Nations should focus its activities in the area of public administration and finance in the following areas: strengthening government capacity for policy development, administrative restructuring, civil service reform, human resources development and public administration training; improving performance in the public sector; financial management; public-private interaction; social development; developing infrastructure and protecting the environment; government legal capacity; post-conflict rehabilitation and reconstruction of government machinery; and management of development programmes. Through innovative partnerships with major actors in the field of public administration and finance, the Division was able to be involved in more activities at the regional and national levels. The Division also embarked on the implementation of the clearing house functions to establish its legitimacy of being the focal point in the United Nations system in public administration and finance.

20. With the use of available information technology, the Division was able to deliver better quality services and outputs to more and geographically wider users all around the world. The Division has established a dedicated website on the Programme in Public Administration and Finance, providing information on its work programme, availability of services provided and how to access these information and services. This website now also contains the publications that have been issued by the Division during the biennium. Other information materials have also been down loaded into this website.

III. PRELIMINARY LIST OF THEMES FOR THE PREPARATION OF THE PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 2000-2001

21. The proposed programme of work for the biennium 2000-2001 on public administration and finance will be submitted for approval to the fifty-fourth session of the General Assembly. As mandated by the Economic and Social Council, it is to be reviewed by the Meeting of Experts, which is expected to provide its views and recommendations to the Council. The proposed programme takes as its points of departure the major global conferences of the United Nations held in the present decade, and Assembly resolution 50/225. The Secretariat provides below a preliminary list of themes for the preparation of the proposed programme budget. The themes are divided into three thematic groups as follows:

1. Components relating to the social and political environment within which the State operates

22. These issues relate to the creation and the strengthening of certain key institutions that can safeguard the process of delivery of governance, promote the rule of law, increase the participation of the citizens in the running of the State and create an enabling environment for private sector growth. Under this group, the Programme will deal with elections, electoral structure and processes, parliaments and other representatives bodies, institutional machinery designed to facilitate citizen participation in the elaboration, implementation, monitoring and evaluation of public policy, other related institutions giving civil society and effective presence and role, notably in conflict prevention, the management of diversity and consensus-building, justice systems, ombudsman institutions and other institutions set up for the defence and promotion of human rights, legal and regulatory frameworks establishing conditions of predictability, where business can operate productively and innovation grow, networks of institutions empowering civil society to advance human development in partnership with the State, and legal provisions and processes advancing and safeguarding transparency and accountability in public life.

2. Components relating to the role of the State and the processes of governance

23. The Thirteenth Meeting of Experts, which, consonant with provisions in the General Assembly resolution 50/225, adopted "re-designing the State for socio-economic development and change" as its overall theme, also emphasized the point that far from representing two adversarial forces, strong markets and strong States were truly complementary and necessary conditions for economic prosperity and social justice. The scope of State activity may be reduced since Governments no longer participate directly in the production of goods and services, as in the past. The mode of State intervention may have been changed as a result. However, it remains as important and, arguably, in some areas, qualitatively more critical than ever before. Not only in developing countries and countries with economies in transition, but really throughout the world, Governments are in the process of exploring the implications of this major transformation in the role of the State and of seeking to give shape to the structures and the processes that can make this role effective. The Programme

will gear its efforts closely to the task of assisting this process. It will focus, in particular, on the following themes:

- the new and evolving role of the State;
- interface of States and markets;
- modalities and purposes of State intervention;
- role of the State in privatization;
- role of the State in securing the provision of vital social services and promoting human development;
- role of the State in the establishment and maintenance of safety nets;
- role of the State in protecting the environment and promoting sustainable development;
- role of the State in promoting human rights; in advancing gender mainstreaming and in protecting minorities and vulnerable groups;
- role of the State in the elaboration and implementation of monetary and fiscal policies;
- role of the State in income distribution, the raising of revenue and management of financial resources in transparent and accountable ways.

3. Components which relates to the strengthening and reform of institutions, policies, methods of work and personnel of the public sector at large

24. Under this grouping, the United Nations will direct its attention to:

(a) The management of change: At times of rapid change the State must be in the forefront of implementing change and smoothing the path for progress. This entails proactive measures which develop enabling policy frameworks, promote new technologies, overhaul administrative structures and upgrade human skills;

(b) Administrative reform: In light of current trends, old bureaucratic structures no longer work effectively. Debureaucratization and decentralization must go in tandem with new approaches to management exemplifying openness, initiative, leadership, flexibility, diversity and responsiveness;

(c) Human resources development: Developing leadership qualities, facilitating change and fostering a new image for the public service call for new career structures which emphasize mobility, the importance of integrity and the overriding claims of merit in the recruitment, placement and promotion of public servants;

(d) Promoting new technologies and their effective use in government: Government must set the pace in the use of new technologies in the public service. Upgrading skills must go together with the introduction and proper maintenance of the appropriate tools;

(e) The thinking part of the State and government: Particular attention must be paid to the development and upgrading of those skills and tools, including databases, which condition the effectiveness of the totality of government and the many-faceted tasks of the State. The following stand out as areas of major importance: policy development; resource management; and last but not least, performance monitoring, measurement and evaluation;

(f) Public resource management including system of control and accountability;

(g) Improvement and innovations on service delivery.

25. According to the requests contained in paragraph 13 of the General Assembly resolution 50/225, the activities in the above-mentioned areas will be carried out along the following modalities:

- Advocacy, through interregional, regional and subregional conferences, symposia, etc.;
- Research, analytical work and publications on selected areas or topics;
- Basic data collection and analysis;
- Pooling and dissemination of information on national best practices, experiences and issues, through the United Nations information clearing house and otherwise;
- Training and capacity-building for government and civil society, in critical areas of need;
- Policy advisory services to Governments and civil society organizations, at the request of Governments;
- Technical cooperation.

IV. IMPLEMENTATION OF THE INFORMATION CLEARING HOUSE

26. In his report on public administration and development (A/50/847-E/1996/7, para. 142) the Secretary-General recommended that "the United Nations programme, utilizing the latest technology, should become the clearing house for all materials on the subject, with a user-friendly interface for suppliers and users of information, linkages with relevant networks, and a strong service orientation to function as a catalyst for a network of international, regional and national institutions and organizations involved in these issues".

27. A report (ST/SG/AC.6/1997/L.10) on the main features of the clearing house for the Programme was presented at the Thirteenth Meeting of the Group of Experts (27 May-4 June 1997). The Division was asked to use information technology to support the Programme purpose of assisting Governments in improving public management and financial system by facilitating access to information, customizing and disseminating best practices, providing an international forum for exchange of experiences, providing advisory services and technical advice, creating an network and better coordination between United Nations agencies and other organizations and persons working in the Division's public administration, public finance and now public economic areas of governance.

Implementation of Internet website

28. Following the approval by the Group of Experts of the general orientation of the project, an Internet website serving the clearing house function mandated by the Secretary-General, is currently under construction. The Division will continue to fulfil a significant part of its mandated activities and outputs in traditional ways such as producing hard copy publications and studies and conducting face-to-face meetings, missions and negotiations. Nevertheless the Division will enhance productivity by offering Internet-based services as well. The table below gives a few examples of how use of the Internet differs from other methods of meeting the needs of Member States.

Methodology	Multidisciplinary/ multidimensional	Immediate	Expensive	Interactive	User controlled
Fax	No/no	Yes	Moderate	No	Yes
Publication	Yes/no	No	Moderate	No	No
Mission	No/Yes	No	High cost	Yes	No
Internet services	Yes/Yes	Yes	Initial cost - low; ongoing - low	Yes	Yes

29. The Internet will alter how the Division delivers services. For example, in the past efforts to provide assistance and advice through multidisciplinary missions resulted in very high costs and could be undertaken less frequently than needed. Through the use of electronic meetings, however, numerous advisors with cross-disciplinary skills can now be assembled at low cost and with little time delay. The Internet is a relatively inexpensive medium to use. Thus, much of the traditional United Nations development assistance - evaluation, advice, negotiation, sharing of ideas and documents, and fostering of South-South dialogue may in the future be undertaken quickly, interactively in real-time, and at low cost using the Internet. This was demonstrated by way of a highly successful Online Ad Hoc Meeting on Transparency and Accountability in Government Financial Management attended by government officials in Africa. In the future, the Internet will offer the United Nations new ways to deliver traditional services as well as opportunities to extend its service delivery capacity.

30. The clearing house website has been provisionally named the Public Administration Network (PAN). The site provides a service-oriented environment which encourages users' comments, suggestions, questions and feedback. The website features an area for online meetings and advisory consultations, resource links to sites and databases and a regularly updated news area. The Network site provides interactive pages that contain hyper-linked phrases and buttons. When users "click on" the hyper-linked material, they are taken to other pages and sites: often to sites maintained by non-United Nations organizations. The Division will evaluate and link to the best sites in the fields of public economics, public administration and finance providing an interactive roadmap to information and resources. The Network will also develop a network of persons and institutions interested in governance through providing a searchable directory. The Network site contains the following areas: about the PAN, technical advisors, online meetings, topic of the month, resources, directory and register.

31. On the "About the PAN" page, the user is introduced to the Network. A brief explanation is provided about the role of the Department of Economic and Social Affairs in supporting conditions for sustainable development in economic and social fields. The site aims to serve users in developing and developed countries by maintaining an interactive online clearing house centre for information and discussion on public economics, public administration and finance issues at the national and local levels and the role of State relative to the private sector. The page contains a listing of the Division's areas of expertise. Each field is hyper-linked to a further section within the site that displays detailed information about the requested area of interest.

32. The second screen "Technical advisers" presents readily accessible information about Division advisers. The Division's greatest resource is contained in its technical advisers who collectively offer years of practical experience working in national governments and in field projects, preparing analytical and technical reports and organizing meetings and conferences in substantive areas. The site features a user-friendly interface linking the visitor to information about departmental staff members, including their curricula vitae, languages spoken and e-mail addresses. Visitors are encouraged to request information or assistance from one of the advisers and invited to visit the "Online Meetings" area to suggest a meeting on a topic of interest. A bulletin board is provided to users to post their questions.

33. On the "Resources" page, visitors will be able to select from the Global Information Gateway, United Nations resources, and multilingual resources. The Global Information Gateway will provide links to key resources in each substantive field of the Division's work. Links to critical resources and information in fields such as public economics, public administration, human resource management, electoral reform, conflict management, capacity-building, public financial management, auditing, private sector development, enterprise reform, and conversion of military facilities will be readily available on the site. Each field will be maintained by the divisional focal point for that substantive area and will feature links to key organizations, training information, documents, libraries, research papers, publications and where available, financial assistance information. Users are invited to correspond via e-mail with the PAN webmaster to help the Division continually improve the

relevance and usefulness of this section of the information clearing house. A search engine will facilitate rapid identification of available information.

34. Through the United Nations resource gateway, the Division's library of publications, newsletters, calendar of events and missions is accessible. Many of the Division's most recent publications are available as zip iiles and can already be downloaded by users. Since many of the visitors may be relatively new to the Internet, an online tutorial will be added to help users download and use zipped files. The United Nations resources page also gives site visitors convenient access to system-wide United Nations documents, the Integrated Meeting and Documentation Information System (IMDIS), and United Nations Member States and Permanent Missions to the United Nations.

35. The site features a multilingual resources page. The PAN cannot undertake to translate all formal documents and publications in all of the official United Nations languages. Nevertheless, the emerging field of multilingual communications and software development will increasingly complement the United Nations multilingual culture. Many publications, presentations and other information already exist in languages other than English and many of our technical advisers are multilingual. Multilingual resources will be integrated as they emerge and this information will be shared with the PAN community.

36. The most frequently updated area of the site will initially be the "Topic of the Month". This area will be used to feature a concise news piece on a current or recent activity of the Department. "Topic of the Month" demonstrates a commitment to providing updated information and insight on the site. It also points to a future highlight in which Governments and organizations will be invited to create their own web pages for posting and sharing governance activities and developments with the global community. Subsequent news items will showcase publications, best practices, forthcoming conferences and scheduled online meetings.

37. The PAN site presents major opportunities for collaboration and discussion. The Online Meeting centre offers opportunities to participate in scheduled events, to propose topics which users would like to see discussed and to post questions to a bulletin board which will be organized by the key areas of expertise within the Department. Preliminary mission evaluations can be made online and simple queries answered. Formal and informal meetings mandated by the Division's governing body can be conducted online in this area. Scheduled meetings and discussions can be held privately where the proceedings are password protected or may be designated beforehand as an open forum. Exchange of experiences and information about best practices can take place interactively and directly between experts and government officials or other participants. Through the Online Meeting centre, the Division can deliver value, faster responses to users, and interactivity at significant savings of time and cost. By developing expertise in discussing and analysing problems and negotiating documents online, the Division can progress smoothly to online training activities. The site will host an ongoing series of publicized interactive discussions and meetings.

38. The PAN site will offer a searchable directory on the website. Users can search for United Nations advisers and other members by criteria such as

language, field of interest, and/or country. The directory will contain basic contact details of persons interested in governance. As resources permit, the service may be expanded to offer further information such as a link to curricula vitae or personnel photos and even a contact management system permitting users to contact institutions or individuals via the Internet. Individuals and institutions may register cost-free as members of the Network and will have the opportunity to update or delete their own records. Members may specify whether they want to be included in the directory and in the e-mail lists to receive updates of news and forthcoming meetings.

39. Even with an active outreach program to encourage people to visit and revisit the PAN site through notification of regularly updated content, considerable effort will be needed to develop and sustain the interest and involvement of users in the PAN website. Nevertheless, continuous communication about the site and timely responsiveness to users comments, suggestions, and questions will enable the development of a truly valuable service to the global community interested in governance issues. Although online information sharing and online meetings present opportunities for productivity enhancements, the need for and benefits from face-to-face meetings and in-country evaluation and advisory missions will never be replaced.

40. The Public Administration Network site reflects the vision and commitment of the Division to focusing on the issue of creating appropriate and relevant content on the website. The site is content-oriented and uses limited, low bandwidth graphics. There are still very significant issues related to connectivity in many developing countries. As one of the key user groups of the PAN, government officials' access to the Internet will be encouraged and monitored. The Division can play a useful supportive role in at least three respects:

(a) Firstly, all divisional projects should aim to include a component that specifically addresses the need for information technology improvements of the country and government ministry concerned. Thus, the Division should mainstream information technology by including a computer workstation and Internet connection charges in each project and each project proposal or project document drafted by divisional advisers;

(b) The Division will maintain and update the list of Internet Service Providers in developing countries. In order to give government officials hands-on experience in participating in online meetings and other online activities, the Division will support access through direct short-term lease arrangements;

(c) The Division has submitted a proposal seeking allocation of a part of the "Development Dividend" created to establishing a connecting network of key subregional service centres to support greater Internet access throughout the developing world.

V. DATES OF THE FIFTEENTH MEETING OF EXPERTS

41. It is recommended that the Fifteenth Meeting of Experts on the United Nations Programme in Public Administration and Finance meet in the first half of the year 2000 at a date to be determined in consultation with the Committee on Conferences.

Annex I

PROPOSED REVISIONS TO SUBPROGRAMME 8 OF THE MEDIUM-TERM PLAN FOR THE PERIOD 1998-2001

Subprogramme 8: Public economics and public administration

The new subprogramme was established to ensure synergy in the delivery of programme activities under subprogramme 7.4, Global approaches to social and microeconomic issues and policies, and 8.1, Public administration, finance and development of the Medium-Term Plan for the period 1998-2001. The overall purpose of the subprogramme is to assist the international community in its policy deliberations for developing and promoting global approaches to critical aspects and dimensions of public economics, public administration and public finance in the development process, with a view to integrating them effectively into national and international development strategies. This will be achieved by contributing to normative activities of the relevant intergovernmental and expert bodies, carrying out multisectoral analyses and providing policy advice and technical assistance to interested Governments, in particular those of developing countries and countries with economies in transition, in the areas within the purview of the subprogramme.

The objectives of the subprogramme, which is implemented by the Division for Public Economics and Public Administration, are:

(a) To meet the needs of Member States for information and policy-oriented analysis on the role of the State and market mechanisms in national efforts to ensure economic stability, to foster economic growth and to increase efficiency and distributional equity, by providing them with analytical studies on the current patterns and trends in the fields of public revenue and public expenditure, as well as on the potential and shortcomings of market solutions to problems of allocation, distribution and regulation, in particular with regard to the provision of public goods and services, at the national and international levels;

(b) To respond to requests from Governments and intergovernmental bodies for information, methodologies, assessments and policy proposals regarding the linkages between political and economic issues and policies, and to prepare reports, as required, on the economic and social impact of United Nations-imposed sanctions, the imposition of coercive economic measures, the implications of the peace-development link and selected aspects of post-conflict rehabilitation and reconstruction;

(c) To facilitate intergovernmental dialogue on available approaches, systems and methods in public administration and in particular, to serve as a clearing house for information and experiences in the field of public administration for development, by utilizing new and cost-effective technological approaches in the collection, maintenance and dissemination of information, in particular best practices, with a view to adaptation and replication in interested countries, as well as to identify new and emerging

issues and policies, thereby fostering South-South cooperation and contributing to African development;

(d) To assist Governments, at their request, in strengthening their capacity for policy development, administrative restructuring, civil service reform, human resources development and public administration training; improving performance in the public sector; increasing public/private sector interaction; improving the management of development programmes; and enhancing government legal capacity including the capacity to establish a regulatory framework for effective economic activities;

(e) To assist Governments, at their request, in developing the necessary capabilities to enable public administration to implement the commitments agreed upon at major United Nations conferences in an effective and coordinated manner, elaborating strategies, at the request of interested countries, for the reconstruction of a viable public administration in the countries that are undergoing rehabilitation and reconstruction once a conflict is over;

(f) To broaden Governments' resource mobilization and revenue administration capacities, enhance the efficiency and performance of tax administration and improve financial management skills in budgeting systems and techniques, accounting and auditing;

(g) To enhance national capacity for economic and social development, including the strengthening of relevant institutional, human resources, policy-analysis and policy-making infrastructure in developing countries and economies in transition;

(h) To promote and enhance the dissemination of public sector information systems including new techniques and modalities to improve the performance of public administration and the delivery of public services;

(i) To expand cooperation with relevant organizations and institutions inside and outside the United Nations system, including non-governmental organizations, academic institutions and the private sector, in the areas of the subprogramme's responsibilities.

Meetings of legislative bodies

13th Meeting of the Group of Experts on the United Nations Programme in Public Administration and Finance, 27 May-4 June 1997, New York (Consultations were made on the possible revisions to the MTP based on GA/RES/50/225)

8th Meeting of the Ad Hoc Group of Experts on International Cooperation in Tax Matters, 15-19 December 1997, Geneva (No consultations on the MTP)

14th Meeting of the Group of Experts on the United Nations Programme in Public Administration and Finance, 4-12 May 1998, New York (Consultations will be made on the revisions to the MTP)

New legislative mandates (1996-1997)

General Assembly resolutions

51/30 A	Economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions on the Federal Republic of Yugoslavia
51/31	Support by the United Nations system of the efforts of Governments to promote and consolidate new and restored democracies
51/175	Integration of the economies in transition into the world economy
51/178	First United Nations Decade for the Eradication of Poverty
51/208	Implementation of the provision of the Charter of the United Nations related to assistance to third States affected by the application of sanctions
51/240	Agenda for Development
51/242	Supplement to an Agenda for Peace (Annex II)
52/18	Support by the United Nations system of the efforts of Governments to promote and consolidate new and restored democracies
52/38 D	Relationship between disarmament and development
52/162	Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions
52/169 H	Economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions on the Federal Republic of Yugoslavia
52/181	Unilateral economic measures as a means of political and economic coercion against developing countries
52/193	First United Nations Decade for the Eradication of Poverty
52/196	Developing human resources for development
52/203	Operational activities for development of the United Nations
52/205	Economic and technical cooperation among developing countries
52/209	Business and development

Economic and Social Council resolutions

1996/42	Progress on the implementation of General Assembly resolution 50/120

1997/59 Operational activities of the United Nations for international development cooperation: follow-up to policy recommendations of the General Assembly

Annex II*

SUBPROGRAMME 8: PUBLIC ECONOMICS AND PUBLIC ADMINISTRATION

7A.47 The subprogramme will be implemented by the Division for Public Economics and Public Administration. The subprogramme will ensure synergy in the delivery of programme activities under subprogrammes 7.4, Global approaches to social and microeconomic issues and policies, and 8.1, Public administration, finance and development, of the medium-term plan for the period 1998-2001. The overall purpose of the subprogramme will be to assist the international community in its policy deliberations for developing and promoting global approaches to critical aspects and dimensions of public economics and public administration in the development process, with a view to integrating them effectively into national and international development strategies. This will be achieved by contributing to normative activities of the relevant intergovernmental and expert bodies, carrying out multisectoral analyses and providing policy advice to interested Governments, in particular those of developing countries and countries with economies in transition, in the areas within the purview of the subprogramme.

7A.48 The subprogramme will focus on meeting the needs of Member States for information and policy-oriented analysis on the role of the State and of market mechanisms in national efforts to foster economic growth and to increase efficiency and distributional equity. Activities will include analytical studies on the potential and shortcomings of market solutions in relation to problems of allocation, distribution and regulation, in particular with regard to the provision of public goods and services, at the national and international levels. Attention will also be paid to research on and analysis of public expenditure patterns and trends; privatization, deregulation and competition policies; the interaction between the public sector and technological innovation; and public policies regarding enterprise and private sector development.

7A.49 The subprogramme will provide assistance to Governments of developing countries and countries with economies in transition on key issues and emerging trends in public administration for development, in order to facilitate, through the exchange of knowledge and experience, their efforts to improve the efficiency of public institutions and administrative procedures. Activities will focus on strengthening government capacity, at the central and local levels, for policy development, administrative restructuring, civil service reform and institutional and human resource development; improving performance in the public sector; and introducing efficient and accountable managerial systems, structures and information technologies in

* Extract from the report of the Secretary-General on the proposed programme budget for the biennium 1998-1999 (A/52/303).

accordance with national development objectives. Emphasis will be also placed on developing and promoting a participatory approach to policy-making.

7A.50 The impact of advisory and technical cooperation work will be enhanced through the subprogramme's function as a clearing house for information and experiences in the field of public administration for development. The Division will utilize new and cost-effective technological approaches in the collection, maintenance and dissemination of information on public economics and public administration, in particular best practices, with a view to adaptation and replication in interested countries. Substantive documentation and support will be provided to the Meeting of Experts on the United Nations Programme in Public Administration and Finance, which provides policy guidance to the subprogramme in this area.

7A.51 Another important set of activities of the subprogramme relate to the support, within the context of national needs and priorities, to Governments' efforts to introduce and promote rational management of tax systems and financial administration. Particular attention will be paid to activities related to strengthening national capacities for resource mobilization and revenue administration; enhancing the efficiency and performance of tax administration; and improving financial management skills in budgeting systems and techniques, accounting and auditing. In that regard, substantive and technical support will continue to be provided to the Ad Hoc Group of Experts on International Cooperation in Tax Matters.

7A.52 The subprogramme will also respond to requests from Governments and intergovernmental bodies for information, methodologies, assessments and policy proposals regarding the linkages between political and economic issues and policies. The Division will prepare reports for submission to the General Assembly and the Security Council, as required, on the economic and social impact of United Nations-imposed sanctions, the imposition of coercive economic measures, the implications of the peace-development link and selected aspects of post-conflict rehabilitation and reconstruction. Cooperation with relevant organizations and institutions inside and outside the United Nations system, including non-governmental organizations, will be expanded.

7A.53 The proposed staffing requirements for this subprogramme consist of 1 D-2, 3 D-1, 5 P-5, 13 P-4/3, 5 P-2/1 and 25 General Service posts, following the consolidation of the Division for Governance, Public Administration and Finance of the Department for Development Support and Management Services and the Microeconomic and Social Analysis Division of the Department for Economic and Social Information and Policy Analysis, and the transfer of 4 Professional posts from the latter to the Division for Social Policy and Development.

C. Programme support

7A.54 The activities under programme support comprise information services and administrative services.

7A.55 Under the guidance of the Office of the Under-Secretary-General, the Information Support Unit provides and uses information technology in order to support: (a) the needs of staff of the Department for electronic information services to facilitate both research and dissemination of documents; (b) participation of Member States, non-governmental organizations, civil society and other actors in the intergovernmental processes serviced by the Department; (c) the central policy and coordination role of the Department in the economic and social activities of the United Nations system, in particular through the Executive Committee on Economic and Social Affairs; and (d) the Under-Secretary-General in discharging his functions as Programme Manager.

7A.56 During the biennium the Unit will focus on electronic information services, including: (a) coordinating, integrating and providing information technology services in the Department, as required; and serving as a resource and advisory unit on information activities; (b) global electronic dissemination of parliamentary information on behalf of the Department's substantive units; (c) making operational the Integrated Meeting and Documentation Information System (IMDIS), including integration with other departmental on-line resources, in support of the coordination and planning function of the Executive Committee on Economic and Social Affairs; (d) facilitating participation of Member States in intergovernmental processes and monitoring of results; and (e) participating in the development of information technology standards, policies and guidelines at the organizational and inter-agency levels, including representing the Department on the Information Technology Coordinating Committee of the Secretariat and its working groups, the working groups of the Information Systems Coordination Committee of the Administrative Committee on Coordination, and the Joint United Nations/Organisation for Economic Cooperation and Development (OECD) Committees on the Macrothesaurus.

7A.57 The Unit will serve as the focal point for the coordination of the departmental publications programme, including representation of the Department on the Working Committee of the Publications Board, advising substantive divisions on United Nations publications policies, coordinating the promotion of the publications of the Department of Economic and Social Affairs and assisting divisions in outreach activities.

7A.58 The electronic information services, systems and databases mentioned above are proposed pursuant to Economic and Social Council resolution 1997/1 and in the light of the Secretary-General's proposals for the expansion and innovation in the application of information technology to enhance the effectiveness of the Organization (see A/51/950,

strategy 7). While the Department of Management is responsible for putting in place the infrastructure for information access, substantive departments such as the Department of Economic and Social Affairs have responsibility for providing that infrastructure with information and using it for strategic purposes.

7A.59 The consolidated Executive Office will provide personnel, finance, resource planning and general administrative services to the organizational units of the Department.

7A.60 The proposed staffing requirements for programme support consist of: (a) the Information Support Unit, with one D-1, one P-5, two P-4/3, one P-2 and five General Service posts; and (b) the Executive Office, with one D-1 (through the reclassification of a P-5 post), two P-5, three P-4/3 and eight General Service posts. The combination of the executive offices of the current three departments would yield an overall reduction of 4 Professional and 23 General Service posts.